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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,399	12/31/2003	Joakim Gripemark	03370-P0069A	8990
24126	7590	08/19/2005	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			TORRES, MELANIE	
			ART UNIT	PAPER NUMBER

3683

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,399

Applicant(s)

GRIPEMARK, JOAKIM

Examiner

Melanie Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "bearing means" of claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Sandberg et al (048) which has an effective date of March 12, 2002.

Note the integrated sleeve and hub at Figs. 1-4 with sleeve/hub at 2 in Sandberg et al.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 02/073061 to Sandberg et al with an effective date of March 13, 2002.

5. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Severinsson et al (6,705,437).

Note Fig. 2 with sleeves 4.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dagb et al. (5507367) or Bodin et al (5540303) or Dagb et al (5568846) or Dagb et al (6330937) or Gotti et al (U52004/50632 A1) in view of Casey (4844206).

These references are all of record.

Gotti et al has an effective date of 1 1-27-2001.

Each one of the principal references discloses the invention as claimed with the exception of the use of a "fixed caliper"

It would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to modify each of the principal references to utilize a fixed caliper with slideable disks as opposed to using a slideable or Casey floating caliper as taught by Casey since such modification involves replacing one well known type of brake caliper with an equivalent type of brake caliper. The assemblies operate in substantially the same manner with substantially the same effect. The use of a fixed caliper is sometimes beneficial since it uses fewer parts thus reducing costs. It is notoriously old to use brake disks that are keyed or splined to a sleeve or housing for brake actuation and for facilitate brake maintenance. See column 1, lines 6-9 of Casey.

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8. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daghigh et al (6330937) or Gotti et al (U52004/50632 A1) in view of Casey (4844206) as applied above.

Daghigh et al. and Gotti et al. as modified teach the inner wall of the sleeve as claimed adjacent element 4 and above element 12 in each Figure 1 respectively.

9. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunker (6,705,434), in view of Casey (4844206) and Brooks et al.

Bunker et al, include an integrated sleeve/hub in Fig. 2 at 16, 16b, 20.

Bunker et al lack the "fixed caliper" feature of claim 1, line 1.

It would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to modify the principal reference to Bunker et al (434) to utilize a fixed caliper with slideable disks as opposed to using a slideable similar to that of Casey floating caliper as taught by Brooks et al since such modification involves replacing one well known type of brake caliper with an equivalent type of brake caliper.

The assemblies operate in substantially the same manner with substantially the same effect. The use of a fixed caliper is sometimes beneficial since it uses fewer pads thus reducing costs. It is notoriously old to use brake disks that are keyed or splined to a sleeve or housing for brake actuation and for facilitated brake maintenance.

Integrated hubs and sleeves on which brake disks slide are common.

Response to Arguments

10. Applicant's arguments filed June 3, 2005 have been fully considered but they are not persuasive.

With regard to applicant's argument with respect to foreign priority to overcome Sandberg '048, Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

With respect to arguments stating that the sleeve is straight. Applicant claims wherein the outer periphery is "generally straight and parallel." The examiner's position is that this limitation is met to the same extent as applicant's invention.

With respect to arguments stating that the "groove" is not disclosed in the applied references, the language is deemed extremely broad and it is clear that grooves are shown in all references. In Sandberg et al. '048, element 4, in Sandberg '061, element 4, in Gotti et al., element 24, in Dagb et al. '937, element 8, in Dagb et al. '846, element 11, in Dagb et al., '367, element 11, in Bodin et al, element 23, in Severinsson '437, element 4 and in Bunker element 20.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (571)272-7127. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571)272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT

August 16, 2005

Melanie Jones
8/16/05